HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 15278 of 2007

Dated 19th July 2007

Between:

Allada Ravi Kumar

…Petitioner

and

The Forest Range Officer,
Addatigala, East Godavari District & others

…Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 15278 of 2007

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O R D E R:

The vehicle of the petitioner, bearing No.AP-T-31-2359 was seized by the Forest Range Officer, Addategala, and his subordinates on 9.1.2007, alleging that it was used in transporting timber, in contravention of the A.P. Forest Produce Transit
Rules 1970 (for short "the Rules"). Petitioner states that certain lags of neem tree, which are not covered by the Rules were being transported, and despite the same, the vehicle was seized, without basis. The petitioner states that he received a notice, dated 15.3.2007, from the 2nd respondent, informing that an enquiry would be conducted on 22.3.2007, and when he had gone there, no one was present, much less the enquiry had taken place. He contends that the continued detention of the vehicle is not only in contravention of law, but also is resulting in huge financial loss to him. He seeks a writ of mandamus, directing the respondents to release the vehicle.

Heard the learned counsel for the petitioner and learned Government Pleader for Forest.

Section 44 of the A.P. Forest Act prescribes a detailed procedure to be followed, whenever an offence under the Act and Rules made thereunder, is noticed. The 2nd respondent is conferred with the power to decide the matter finally, as well as to pass interim orders, including the one to give interim custody of the vehicle to the owner. However, for this purpose, a specific application needs to be filed. The record does not disclose that the petitioner had made such an application.

For the foregoing reasons, the writ petition is disposed of, leaving it open to the petitioner, to file an application before the 2nd respondent, for interim custody of the vehicle. In case, the 2nd respondent is convinced *prima facie,* about entitlement of the petitioner for release of the vehicle, he shall pass such orders. On the other hand, if he is not inclined to release the vehicle, he shall proceed to decide the matter finally, within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs.

19th July 2007

Note: Issue C.C. in three days.
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